

**CAPSTONE REALTY, INC.**  
CONSTRUCTION AND REAL ESTATE DEVELOPMENT

February 15, 2011

Public Safety and Security Committee  
Room 3600, Legislative Office Building  
Hartford, CT 06106

**RE: Raised Bill 931, An Act Concerning the Definition of Hoisting Equipment**

Senator Joan Hartley and Representative Steve Dargan, Co-Chairs, and Members of the Public Safety and Security Committee:

I am a homebuilder, excavation contractor, and residential developer. I strongly urge you to reject Raised Bill 931, An Act Concerning the Definition of Hoisting Equipment.

The proposed language defining "hoisting equipment" would require all operators of even the smallest construction equipment to be licensed. In other words, one could not lift anything with a machine as small as a skidsteer (commonly known as a "Bobcat") that had a hoe attachment installed, a mini-excavator, a small combination backhoe/front loader, or a small or large excavator. The way the proposed bill is written, an operator could not operate even the smallest of hoe- or excavator-type construction equipment without a license, whether or not any hoisting was actually being done.

There is a similar law in Massachusetts, which passed a few years ago. Here is just one ridiculous story, which was related to me by a civil engineer we use in Massachusetts: A farmer owns a farm tractor, which tractor has a hoe attachment. This farmer is not a young man, and he's been operating tractors since he was a boy. He calls the local sanitarian to schedule test holes, which test holes are prerequisite to designing an updated septic system for his home (his old septic system has failed, and is a health hazard). The sanitarian and engineer show up, the farmer has his machine at the ready, and the sanitarian does not allow the soil testing to proceed because the farmer is unlicensed to operate the equipment. The farmer now has to pay his engineer another several hundred dollars to return at a later date, the sanitarian another fifty dollars to return at a later date, and has to hire a licensed operator for about twelve hundred dollars to get the test holes dug. So, over fifteen hundred dollars and a few weeks later, the farmer, who can ill afford the extra expense, gets his testing done. And, no "hoisting" took place.

This bill would be a disaster for our industry, and would have a great, negative impact on my business. We daily use backhoes, excavators, and other equipment that under the proposed law would qualify as hoisting equipment, though that equipment is rarely used for hoisting. Moreover, when that equipment is used for hoisting, the reach of the equipment is, relative to traditional hoisting equipment, quite short.

The real dangers in crane or hoisting equipment operation are caused by the large moment that occurs in extended-boom-operation of long-reach equipment ( $\text{Moment} = \text{Force} \times \text{Distance}$ ). Such long-reach equipment, when the boom is extended, is subject to tremendous increases in Moment. The danger created by such an increase is sudden and unanticipated collapse of the boom or toppling of the equipment. When operating an excavator, backhoe, mini-excavator, a skidsteer, or small tractor with a hoe attachment, however, the relative length of the boom is so short that (1) huge increases in moment are not possible and (2) all "hoisting" must occur quite close to the ground. In addition, there is little chance for such a hoisting operation (as rare as they are in our business) to get out of control because a small machine or even a large excavator will give the machine operator physical feedback that immediately alerts the operator that lifting capacity is nearing its limit. Either (1) the machine simply will not lift the material or (2) the machine will become a little "light" or "tippy" before anything "bad" happens. In either case, the operator will have no trouble figuring out what is happening before an accident can occur. This is not the case for telescoping or long-boom cranes; they may fail catastrophically without any warning.

As for sheetrock and lumber truck booms, or booms used by foundation contractors, there are fail-safes built in by way of pressure relief valves and flow preventers (in the case of a ruptured line). If a sheetrock boom operator, for example, tried to extend his boom horizontally with a too-heavy load (they typically handle up to 4,000 pound pallets, sometimes two at a time), the boom will gradually descend to the ground as it is extended. In the event of a ruptured line, flow preventers will prevent the boom from being moved any further.

Moreover, OSHA requires us to train our employees for the specific equipment we use. So, there is no need for this bill or any other change to the current hoisting equipment operator's license. The regulations in place are more than adequate. Our business, our industry, and in fact the Connecticut economy in general can ill afford this type of unwarranted and expensive regulation.

Again, I ask you to reject Raised Bill 931. Thank you for considering my comments.

Sincerely,

Greg Pinto  
President  
Capstone Realty, Inc.